

**Open Report on behalf of Richard Wills
Executive Director, Environment & Economy**

Report to:	Planning and Regulation Committee
Date:	4 July 2016
Subject:	Outcome of Planning Appeal – Welton Aggregates Limited, Highfield Quarry, Bluestone Heath Road, Welton le Marsh - (E)N199/2021/14

Summary:

This report sets out the outcome of an appeal following the Council's decision to refuse planning permission relating to an application for the restoration of the southern section of the quarry to an agricultural after-use using quarry fines and soils screened from existing on-site materials at Highfield Quarry, Bluestone Heath Road, Welton le Marsh. A copy of the Inspector's decision letter is attached as Appendix A.

Recommendation:

That the decision of the Planning Inspectorate is noted.

Background

1. Highfield Quarry is a historic and active chalk quarry with the mineral extraction operations being covered by two principal consents. The first permission covers the north-western section of the quarry and was first granted in January 1948 under an Interim Development Order (IDO). The second permission covers the southern area of the quarry which was first granted in 1954. Under the provisions of the Planning and Compensation Act 1991 and Environment Act 1995, new planning conditions were approved for both permissions (references: (E)S199/1904/02) and (E)S199/0913/97) which modernised the working and restoration conditions affecting the site operations. The approved restoration design for the quarry comprises of the creation of calcareous grassland using mineral wastes derived from on-site (i.e. chalk fines) and the retention of quarry faces for geological conservation/interest. Conditions attached to both of these consents prevent the use of imported materials or wastes in the restoration of the quarry.
2. In addition to the mineral extraction operations/permissions, a number of further operations/activities are undertaken at the site which includes a construction, demolition and excavation (CD&E) waste recycling operation.

Conditions attached to these various permissions similarly restrict the permanent deposit of imported and residual wastes derived from these operations.

The Proposal and Decision

3. In September 2014 the applicant made an application (reference: (E)N199/2021/14) seeking planning permission which would allow them to permanently deposit and use residual wastes derived from the processing of imported waste materials in order to facilitate the restoration of a 3 hectare area of the quarry to an agricultural after-use. The imported waste materials are already present within the quarry but are largely located outside the existing authorised storage and processing areas associated with the permitted waste recycling operations. The applicant proposed to recycle these existing on site wastes thus providing aggregates for off-site sale whilst utilising the finer soil materials for final restoration cover. A report on that application was brought to the Planning & Regulation Committee on 8 December 2014 where, in line with the Officer's recommendation, the application was refused principally due to the following reasons:
 - (i) the proposal would create new inert landfill capacity for which there was no identified need;
 - (ii) there are existing alternative sites in close proximity to Highfield Quarry which have consented void space capacity available to accommodate the type and volume of wastes proposed to be landfilled;
 - (iii) the landfilling of residual wastes did not represent the most satisfactory method of restoration as the quarry's approved restoration design can be achieved without the need for, or reliance upon, the use of imported wastes;
 - (iv) the landfilling of wastes would be contrary to, and in direct conflict with, conditions attached to existing planning permissions governing the other consented mineral and waste operations and activities at the quarry.
4. The applicant made an appeal against the decision to refuse permission and on 12 April 2016 a Hearing was held where representations made by the applicant and Officer's representing the Council were heard by a Planning Inspector. Having considered the arguments and representations made by both parties the Inspector decided to find in favour of the Council and consequently dismissed the appeal.
5. A copy of the Inspector's decision is attached to this report as Appendix A.

RECOMMENDATIONS

That the contents of the report are noted.

Appendix

These are listed below and attached at the back of the report	
Appendix A	Planning Inspectorate's Appeal Decision dated 23 May 2016

This report was written by Marc Willis, who can be contacted on 01522 782070 or dev_pcg@lincolnshire.gov.uk



The Planning Inspectorate

Appendix A

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Bristol
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Direct Line:
Customer Services:
0303 444 5000

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www.planningportal.gov.uk/planninginspectorate

Your Ref: N/199/02021/14

Our Ref: APP/Q2500/W/15/3073722

Mr N McBride
Lincolnshire County Council
Planning Services
Witham Park House
Waterside South
Lincoln
LN5 7JN

23 May 2016

Dear Mr N McBride,

Town and Country Planning Act 1990
Appeal by Welton Aggregates Ltd.
Site Address: Highfield Quarry, Bluestone Heath Road, Welton le Marsh,,
Lincolnshire, PE23 5SG

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

Yours sincerely,

Kevin Plummer
Kevin Plummer

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>

Appeal Decision

Hearing held on 12 April 2016

Site visit made on 12 April 2016

by Diane Lewis BA(Hons) MCD MA LLM MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 May 2016

Appeal Ref: APP/Q2500/W/15/3073722

**Highfield Quarry, Bluestone Heath Road, Welton le Marsh, Lincolnshire
PE23 5SG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Welton Aggregates Ltd against the decision of Lincolnshire County Council.
 - The application Ref N/199/02021/14, dated 25 September 2014, was refused by notice dated 8 December 2014.
 - The development proposed is the restoration of the southern section of the quarry to an agricultural after-use using quarry fines and soils screened from existing on site materials.
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Decision

1. The appeal is dismissed.

Reasons

Highfield Quarry and Planning History

2. Highfield Quarry is an active chalk quarry, where the permitted area extends over an area of 17 hectares (ha) or so. In addition to the mineral extraction, permitted operations include concrete production and waste recycling activities. In the past, well before Welton Aggregates Ltd took control of the quarry, a significant volume of construction, demolition and excavation (CDE) wastes were deposited across the site by previous operators.
3. The appeal site of 3 ha is located in the southern section of the quarry where all significant reserves of consented mineral have been worked out. Historic quarry faces remain along the north eastern and southern boundaries. The southwestern face was backfilled with chalk fines and a layer of CDE wastes was deposited on top of part of this area. Along the northeastern face CDE wastes were deposited historically over an area of 0.85 ha. A stockpile of screened topsoil is located near to an internal haul road.
4. The planning history of the quarry dates back to 1948 and the following aspects are of particular relevance to the proposal. The extraction of chalk is subject to two separate consents. In 2010 a new scheme of conditions was issued for the first consent granted in 1948 under an Interim Development Order (ref (E)S199/1904/02). The restoration scheme would involve the

creation of calcareous grassland using chalk fines and the retention of quarry faces for geological conservation/interest. The use of imported materials is not permitted.

5. The appeal site lies in the area covered by the second historic permission granted in 1954 and is now subject to a scheme of conditions dated 11 September 1997 ((E)S199/0913/97). Condition 20 does not permit the importation of materials to achieve the screening or restoration of the site.
6. In 1999 planning permission was granted on appeal for use of existing crushing facilities for the crushing and screening of imported concrete and brick for recycling as aggregate. Condition (xii) does not permit waste material to be permanently deposited at the site except with the written agreement of the waste planning authority (the WPA). In May 2010 permission was granted to enlarge and relocate the recycling area and to broaden the range of materials from concrete and brick to general construction and demolition wastes ((E)S199/0575/10). As required by condition 9, the total tonnage of waste processed at the site shall not exceed 25,000 tonnes per annum. The same limitation of 25,000 tonnes per annum was imposed on a permission granted on 13 April 2016 for relocation of a wash plant for use with the existing construction and demolition waste recycling operations at the quarry ((E)N199/1519/14).
7. There are three key points. First, there is a lot of historic CDE material deposited within the quarry. Secondly there is no provision for imported materials to be used in restoration of the quarry. Thirdly, the recycling and the wash plant permissions allow a combined throughput of 25,000 tonnes per annum.

Proposal and Main Issue

8. Highfield Quarry is located in the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB). The proposal is to restore the appeal site to an agricultural after-use using materials currently on site. The works would be undertaken in phases, using chalk fines for the principal landforming works. The final re-soiling works would be completed using soils screened from the existing on-site CDE wastes.
9. The proposal falls within the definition of Schedule 2 development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In accordance with the Regulations the County Council concluded that the proposed development is unlikely to have significant effects on the environment and is not development requiring an environmental impact assessment. I have no reason to question that conclusion.
10. The main issue is whether the proposal would be a sustainable form of development. A conclusion on this issue will be informed by consideration of:
 - Whether the proposal would result in the creation of new inert landfill capacity;
 - In the event new capacity would be created, is there a need for such capacity and would it be in accordance with waste planning policy;

- Whether the use of existing on-site materials would be the most satisfactory method of restoration and whether the proposed restoration scheme would be of high quality and be completed in a reasonable timescale;
- Whether the proposed after-use would contribute significantly to the farming enterprise;
- The relationship of the proposal to the conditions attached to the planning permissions controlling the authorised mineral and waste operations and activities at the quarry and the resultant impacts on the AONB.

Planning Policy

11. The development plan currently includes the Lincolnshire Waste Local Plan, adopted in 2006 (the LWLP) and the Lincolnshire Minerals Local Plan dating to 1991 (LMLP). At the beginning of June 2016 the Council is due to adopt the Lincolnshire Minerals and Waste Local Plan, Core Strategy and Development Management Policies (the MWLP). This final stage follows the examination and receipt of the Inspector's final report, where he concluded that the MWLP is sound provided that a number of modifications are made to the Plan. In view of the very advanced stage of preparation, the MWLP has substantial weight.
12. 'Saved' policies C11 and A4 in the East Lindsey Local Plan Alteration 1999 (the ELLP) protect the natural beauty of the AONB and general amenity respectively. These policies remain generally consistent with the national planning policies to conserve and enhance the natural environment.

Landfill capacity

13. The waste hierarchy gives top priority to waste prevention, followed by preparing for re-use, recycling and other types of recovery. Disposal, which includes landfill, is the least desirable solution where none of these higher order options is appropriate. Driving waste up the waste hierarchy is an integral part of the Waste Management Plan for England and the National Planning Policy for Waste (NPPW). The LWLP, through policy WLP1 and the MWLP have a similar strategic objective.
14. A principal aim for the appellant is to recycle the existing on site wastes thus providing aggregates for off-site sale whilst utilising the finer soil materials for final restoration cover. There is common ground between the parties that the processing and screening of the existing CDE wastes on the site is a sustainable waste management practice that would help to move the wastes up the waste hierarchy. The dispute centres on whether the soils used in the proposed restoration project would represent a land recovery or a landfill operation.
15. The use of the soils as a final 2 metre (m) layer in the proposed restoration could be regarded as a deposit into or onto land (a disposal operation as landfill) or a form of land treatment resulting in benefit to agriculture (a recovery operation). The decisive test is to ask whether the principal result of the operation will serve a useful purpose by replacing other materials which would have been used to fulfil the same purpose.
16. In this case, the approved restoration scheme does not require the deposit of soils (as now proposed) but may be achieved by the use of chalk fines. The aim of the land treatment is to establish land for nature conservation purposes,

resulting in ecological improvement. As proposed, the cover materials would not be a substitute for non waste material in site restoration but would be an additional deposit to achieve a different agricultural after-use. As a matter of fact, planning conditions attached to the mineral permissions and consented waste recycling operations prevent the permanent deposit and use of imported wastes in the restoration of the site. Therefore I agree with the case of the WPA that the proposal is a landfill operation and not a recovery operation.

17. Policy WLP13 of the LWLP aims to avoid over provision of landfill capacity in the County but recognises that inert waste can be beneficial for site reclamation. The MWLP resists increasing landfill capacity, with policy W6 requiring several criteria to be met in order for proposals to be acceptable. The appellant does not seek to argue that there is insufficient consented landfill void space capacity on a countywide basis. However, the appellant does not accept that there are sites in close proximity to Highfield Quarry which have consented void space available to accommodate the type and volume of materials proposed to be landfilled.
18. In the very recent examination of the MWLP one of the issues examined was whether sufficient new waste management capacity of the right type would be provided in the right place and at the right time. The inspector concluded that the provision of new inert landfill capacity is not necessary. Therefore, on this basis and taking a county-wide view, the proposal would not accord with criterion (a) of policy W6 when considering the management of landfill capacity.
19. Turning to the proximity principle, potential landfill sites within 50 kilometres (km) of Highfield Quarry have been identified. Kenwick has closed and the WPA accepts it is not a viable alternative. Middlemarsh and Boston have now closed for commercial reasons, although technically void space remains available. At South Thoresby, some 11 km away from the site, the historic planning permission allowed for the use of imported materials or wastes but the position in respect of the environmental permit and capacity to accept soils is in doubt. At the hearing the WPA was unable to confirm the up to date position. Kirkby on Bain is open and capable of accepting inert wastes, although it is some 32 km from the site. The appellant estimated in excess of 260,000 km of HGV transport would be generated if this option was pursued. The relocation of the residual soils would be equivalent to approximately 4,160 HGV loads.
20. On this analysis use of South Thoresby cannot be ruled out, albeit current availability is uncertain. The available option at Kirkby on Bain would result in undesirable transport mileage and on its face would not be consistent with national and strategic objectives to minimise vehicular-tonne miles movements wherever possible and to manage waste as near as possible to where it is produced. However, in this instance the strength of the proximity principle argument is reduced when account is taken of the unknown source of the historic waste materials on site. Bearing in mind the timescale of 2042 allowed for the working of minerals at the quarry, I do not accept the appellant's argument that Highfield should now be regarded as the point of origin because much of the waste has been there for over 20 years. Also, the significance of the impacts of transporting the residual soils should be put into perspective, where over a ten year period the result would be 416 HGV movements per year or 1 or 2 HGV movements a day.

21. In conclusion, the proposal would create new inert landfill capacity. In the County there is not a need for such capacity and there is conflict with waste planning policy. However, the proposal would be of some benefit in avoiding transport of waste materials.

Site Restoration

22. The site is in an area dominated by agricultural land uses. The purpose of the approved strategy, established through the extant planning permissions, is to restore the site and the adjoining lands to calcareous grassland using chalk fines from the quarrying activities. There is no requirement or need to use imported residual wastes. The strategy and after-use were designed in recognition of the limited quantity and quality of indigenous soils available within the site and the constraints imposed by conditions on the minerals permissions. The WPA accepts that the approved concept scheme may need to be reviewed due to discrepancies between the working depths and restored landform levels shown on plan. However, there is no evidence to suggest that the fundamental principles will require to be changed.
23. In contrast, an objective of the current proposal is to restore land primarily for agricultural use. Chalk fines would still be used for the bulk of the landforming works. Suitable sub soils would then be spread over the chalk fines to a depth of around one metre, with more friable topsoils spread to a depth of one metre to provide final cover material for preparation as a suitable seedbed to support agricultural production. Around the base of the retained quarry faces areas of calcareous grassland would be established to increase the diversity of habitats and overall biodiversity of the site and to secure a future seed resource.
24. The WPA is of the view that the approved restoration strategy and nature conservation after use offers greater gains in landscape, biodiversity and geodiversity interests than the scheme now being promoted. The appellant considers that the original restoration strategy designed over 15 years ago is no longer the best option. The current proposals are put forward as an improved strategy with an increased range of habitats that are capable of being delivered within a reasonable timeframe.
25. There were no objections from consultees. The Lincolnshire Wolds Countryside Service commented that the proposals deliver against the Lincolnshire Wolds AONB Management Plan 2013-2018, the Lincolnshire Biodiversity Action Plan 2011-20120 and the Lincolnshire Geodiversity Action Plan 2009. The Lincolnshire Wildlife Trust (LWT) expressed disappointment with the proposal, referring to the AONB being a priority area for the restoration of calcareous grassland. The acceptance of the proposal was based on the remaining quarry area (12 ha) being restored as originally proposed.
26. Agriculture is within the range of potential after-uses identified in the LMLP and in the LWLP policy WLP13 allows for the use of inert landfill where it represents the most satisfactory method of restoration. In the MWLP policy R1 requires high quality restoration completed within a reasonable timescale. Policy R2 requires after uses to enhance and secure a net gain in biodiversity and geological conservation interests, conserve soil resources and to safeguard the potential of the best and most versatile agricultural land. Agriculture and nature conservation are included in the range of possible after-uses that could meet these objectives.

27. The WPA does not seek to argue that the proposal fails to comply with these policies but maintains that it is less compliant compared to the existing restoration strategy. It seems to me that, compared with the approved scheme, the proposed restoration scheme should not be of a lower quality for meeting objectives suitable for the site and any strategic aims for the wider area. The use of best practice and an aftercare management programme could be secured by planning conditions. The initial phasing programme was directed towards completion of the project in a reasonable 7 year timescale. The bulk of the original soils were removed from the site, rather than stockpiled for future use in restoration and as a result husbandry of soil resources is not at issue. The main disadvantage is that an agricultural after-use would not be consistent with the priority attached to the restoration of calcareous grassland habitat in the AONB and, as identified by policy R4, at chalk workings. To that extent there is a conflict with policy.

Agricultural After-use

28. The appellant described the provision of high quality agricultural land as a principal driver behind the proposal, which would assist in offsetting the loss of land resulting from the quarry's consented expansion to the north and more general pressure on farmland for biomass production.
29. The site would be adjacent to land worked by R P Smith Farms (the appellant's sister company), not an isolated land parcel. The WPA has questioned whether the quality of the residual waste materials used for the final layers would create productive agricultural land. Nevertheless, with thorough soil preparation and the aftercare described there is the prospect of establishing good quality agricultural land for arable or grazing use. However, no convincing case supported by evidence was made to demonstrate the value of an additional 3 ha or so of land to the agricultural enterprise, whether in terms of improving productivity or the viability of the holding. Conversely no detailed explanation was forthcoming as to the effects of the extension of the quarry on the farm holding. In the absence of such information I am not able to attach a significant amount of weight to the contribution of the proposed after-use to the farming enterprise.
30. I conclude that a significant improvement is not secured by the introduction of an agricultural after-use as one element within a more diverse restoration scheme for the quarry as a whole.

Additional Operations

31. The existing permitted plant and equipment are subject to a combined waste throughput capacity of 25,000 tonnes per annum. During the discussion at the hearing the appellant confirmed that the intention of the proposal is for the processing of waste materials outside the permitted areas and in addition to the consented recycling activities. There would be up to an additional 20,000 tonnes per annum of processing for a minimum period of 7 years. Considerations arising from the additional throughput include the effects on traffic and amenity within the AONB and whether it is possible to control the additional processing by planning condition.
32. The proposal would not require the importation of materials because the chalk fines would be relocated from within the quarry using current plant and haul roads and the required soils would be screened from pre-existing on site CDE

wastes. The screening process is anticipated to produce in the region of 125,000-130,000 tonnes of aggregate, equivalent to an average annual production of 17,500-18,500 tonnes per annum. This is said to equate to less than 1,000 loads per annum (20 per week) leaving the site. It is also anticipated that the additional recycled aggregate output would be offset by a corresponding drop in the output of primary minerals as developers will select the higher specification products. Consequently the appellant submitted that the effect of the additional production on the overall traffic movements from the site would be negligible. Additionally, the availability of a temporary source of higher quality recycled products is expected to meet some of the demand currently met by the importation of materials to the region from the appellant's quarries in North Lincolnshire.

33. The site is on an 'A' class road and whether turning north or south traffic leaving the quarry would not have to pass through any villages to connect with the wider primary highway network. An additional twenty loads per week is unlikely to result in a harmful impact on the highway network or the amenity of the AONB. Having said that, the proposed phasing of the development would result in variations in traffic levels, with the final phase of development likely to result in greater numbers of traffic movements. Other impacts such as dust and noise could be controlled by planning conditions. When considered in isolation, the processing of waste materials to facilitate the proposed restoration scheme is unlikely to cause environmental harm.
34. However, to date the scale of operations at Highfield Quarry has been controlled consistently by the limit of 25,000 tonnes per annum placed on total throughput capacity. This cap is to ensure the impacts on the AONB and the highway network are no greater than found acceptable and identified through the details submitted with the applications. The proposal envisages an output of up to some 45,000 tonnes per annum of aggregates from the quarry site, a very significant increase in annual production of aggregate that would result in a marked intensification of activity over the period of restoration. Cumulative impacts received little if any consideration in the statement supporting the proposal. I have concern that the implications for the overall activity at the quarry have not been adequately addressed and quantified.
35. The appellant put forward a planning condition whereby the output of recycled aggregates from the appeal site should not exceed 20,000 tonnes per annum. No conditions were proposed by the appellant that would prevent the use of fixed or mobile plant within the appeal site. The intention is that existing items of mobile plant would be used in order to more fully utilise their capacity.
36. The WPA considers that the proposed condition would be difficult to monitor and enforce but has not explained why. A recording system should be able to be put in place to distinguish the aggregates produced from the existing stockpiles of historic waste from the quantities of waste brought to the site for processing. Details of the proposed recording system could form part of the condition. However, I share the WPA's concern over the proposed increase in the operations, which would be a very significant departure from those permitted over a considerable time span. I am not satisfied that policies A4 and C11 of the ELLP would be met.
37. The appellant has resisted the possibility of recycling materials through the consented recycling facilities because the capacity is fully committed to

processing on-going waste streams from the surrounding area and such a loss would be fatal to the economics of the operation. However, it seems to me that the proposal would result in an additional income from the production of secondary aggregates. Use of the existing consented facilities would be a replacement of income and not necessarily result in a substantial loss. In the absence of specific evidence to support the appellant's case, I find the argument unconvincing. More generally, the WPA has demonstrated that alternative recycling facilities or options would be available elsewhere to manage wastes and meet demand.

38. The WPA proposed a planning condition whereby the combined total tonnage of waste imported, stored and processed at the quarry should not exceed 25,000 tonnes per annum. The appellant was unable to agree such a condition, indicating that whilst the agricultural restoration would remain technically feasible the reduction in recycling capacity would have a significant impact on the economics of the operation. As noted above, the economic argument has not been substantiated. Nevertheless, the imposition of a restrictive condition as proposed by the WPA would modify the development in such a way as to make it significantly different to what is proposed. The appellant's submissions indicate that the condition may nullify the benefit of a permission. In these circumstances I am not satisfied that this condition would be reasonable and hence it should not be used.
39. In conclusion, it has not been demonstrated that the use of planning conditions would enable the development proposal to proceed when account is taken of the identified policy conflicts and potential adverse effects. Furthermore, the inconsistency with existing planning conditions controlling restoration of the quarry is not able to be resolved through the current proposal.

Other matters

40. There are sites where the circumstances are such that the use of imported soils for restoration has been accepted. In Lincolnshire the WPA has explained the reasoning behind the decisions at South Thoresby and Creeton Quarry where the use of imported soils was considered necessary to achieve a beneficial after-use. In Leicestershire and Nottinghamshire a key consideration was a shortfall in inert waste management facilities, including landfill capacity – a position that does not apply to Lincolnshire. In the Rudgwick Brickworks case no acceptable restoration scheme was in place that could be delivered without the use of imported materials. In all these examples there are very significant differences to the facts relevant to the proposal for Highfield Quarry. Similarly the sites where the deposit of materials was found to be recovery/restoration work as opposed to waste disposal/landfill would have been fact sensitive. They do not provide sound justification for the same conclusion to be made in this case, particularly given subsequent case law¹.
41. Local residents were concerned about the potential for contamination of ground water. The greater part of the quarry lies within a groundwater source protection zone but the undisputed evidence is that surface operations have no impact on this resource due to the thickness of impermeable sediments between the quarry workings and the aquifer. The Environment Agency raised no objections to the proposal and the necessary environmental permits would have to be obtained prior to commencement of works. The NPPW confirms

¹ *Tarmac Aggregates v Secretary of State for Environment Food and Rural Affairs* [2015] EWCA Civ 1149

that when determining planning applications the WPA should work on the assumption that the relevant pollution control regime will be properly applied and enforced. In accordance with the NPPW attention in this appeal should focus on implementing the planning strategy in the development plan and not the control of processes that are a matter for the pollution control authorities.

Conclusions

42. The proposal would create new landfill capacity that is not justified by the merits of the restoration scheme or the application of the proximity principle. The proposal conflicts with Policies WLP1 and WLP13 of the LWLP and policies W6 and R4 of the MWLP. The increase in the scale of recycling operations at the quarry has not been shown to protect the character and amenity of the AONB and ensure compliance with policies A4 and C11 of the ELLP. The proposal fails to comply with the development plan as a whole.
43. The proposal would have significant operational benefits for quarry and offers a means of tackling the volume of historic CDE waste on site. However, the proposed development is not a sustainable option to address the issue of the on-site CDE wastes and the restoration of the site when full account is taken of the strategic waste and other planning objectives.
44. For the reasons given above, and having taken account of all other matters raised, I conclude that the appeal should be dismissed.

Diane Lewis

Inspector

APPEARANCES

FOR THE APPELLANT:

Oliver Craven

Hughes Craven Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Marc Willis BSc MA MRTPI

Applications Team Leader, Planning Services,
Lincolnshire County Council

PLANS

A.1	Site location ref 0151-1-12 A
A.2	Site boundary ref 0151-1-13 A
A.3	Existing site layout ref 0151-1-17 C
A.4	Restoration Phase 1 and 2 ref 0151-1-18
A.5	Restoration Phase 3 and 4 ref 0151-1-19
A.6	Overall restoration concept ref 0151-1-20 A

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